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ORIGINAL

FILED

MAY 16 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07-3497 CRB (PR)
)	
Plaintiff	)	DECLARATIONS IN SUPPORT
	)	OF PLAINTIFF'S OPPOSITION
v.	)	TO DEFENDANTS' NOTICE AND
	)	MOTION FOR SUMMARY JUDGMENT
Jeanne Woodford, et al)	
)	
Defendants)	

DECLARATION OF: submitted and attached herein.

A Decl. of E.W. Williams,
A1 Decl. of O.S. Brown,
A2 Decl. of P.D. Shotwell,
A3 Decl. of A. Alto,
A4 Decl. of H. Little,
A5 Decl. of R. Laudermill,
A6 Decl. of J.R. Gearin,
A7 Decl. of L.L. Roberson,
A7(a) Decl. of L.L. Roberson,
A7(b) Decl. of L.L. Roberson,
A7(c) Decl. of L.L. Roberson,
A7(d) Decl. of L.L. Roberson,

EXHIBIT "A"
Declaration of E.W. Williams

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07 3497 CRB(PR)
)	
Plaintiff	)	DECLARATION OF E.W.
	)	WILLIAMS IN SUPPORT OF
v.	)	PLAINTIFF'S OPPOSITION TO
	)	DEFENDANTS' NOTICE AND
Jeanne Woodford, Director et el.)	)	MOTION FOR SUMMARY JUDGMENT
)	
Defendant[s])	

I E. Wayne Williams declare:

1. I am a prisoner of the California Department of Corrections and Rehabilitation (CDCR) currently housed in the Correctional Training Facility (CTF) at Soledad California.

2. I was formerly housed in the Administrative Segregation (AD-Seg) Unit at CTF's X-Wing next door to the cell in which housed Lennis L. Roberson. The plaintiff told me on several occasion that he believed us being on C-status and in AD-Seg because of religious beliefs was wrong. I have personal knowledge and I am competent to testify to

1 the matter[s] set forth herein, and if called upon to do so,
2 I would and could so testify. I submit this declaration in
3 support of Plaintiff's motion.

4 3. The plaintiff often discussed with me how he believed
5 he was being abused and mistreated because C-status restricted
6 him to; One-fourth maximum canteen draw, access to Telephone
7 calls on emergency basis only, Yard access limited, No access
8 to any other recreational or entertainment activities, No
9 accrual of excused time off, and No personal property packages.

10 4. Plaintiff also told me he believed being housed in the
11 AD-Seg unit was unfair and an overly oppressive hardship
12 designed to crush him spiritually and emotionally.

13 5. On several occasion plaintiff discussed how he believed
14 CDC's staff -- denying him access to mainline dining hall[s]
15 and yard was effectively isolating him from the general
16 population for his religious belief and principles.

17 6. On many occasions plaintiff expressed a need to speak
18 with his teenage son and his ailing mother over the phone.

19 7. Plaintiff believes his relationship with his teenage
20 son was strain resulting from plaintiff being restricted from
21 phones -- emergency only telephone access.

22 8. C-status rendered plaintiff unable to talk to his
23 ailing mother -- she was placed in a nursing/rest home shortly
24 before plaintiff's removal from C-status and remained there
25 until she died March 2007.

9. Plaintiff often said that CDC's staff thinks they are more powerful than GOD, and they are attempting to convince and/or coerce him into modifying his belief by using progressive disciplinary measures.

10. Plaintiff additionally believes his adherence to his religious beliefs/philosophy caused him to be denied retroactive time credits.

I (E. Wayne Williams) was on C-status and was granted retroactive time credits which were denied to plaintiff.

I declare under penalty of perjury that the foregoing is true and correct. Executed at CTF-Central, Soledad, California, on June 26, 2007.

151 *E. Wayne Williams* E-09546
E.W. Williams E-09546

EXHIBIT "A-1"
Declaration of O.S. Brown

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07 3497 CRB(PR)
)	
Plaintiff	)	DECLARATION OF OMAR S.
	)	BROWN IN SUPPORT OF
v.	)	PLAINTIFF'S OPPOSITION TO
	)	DEFENDANTS' NOTICE AND
Jeanne Woodford, Director et el.)	)	MOTION FOR SUMMARY JUDGMENT
)	
<u>Defendant[s]</u>)	

I Omar S. Brown declare:

1. I am currently a prisoner of the California Department of Corrections and Rehabilitation (CDCR) who was formerly housed in the Administrative Segregation (AD-Seg) Unit of the Correctional Training Facility (CTF) X-Wing at the same point in time, for the same reasons as the plaintiff Lennis Roberson, GROOMING STANDARD violations. Soledad California.

2. While being held in AD-Seg the plaintiff Lennis L. Roberson and I (Omar S. Brown) personally discussed on a daily basis how plaintiff believed that our being held in AD-Seg for grooming violations (and C-Status) based on religious

1 principles was morally wrong, and possibly illegal. I am
2 competent to testify to the matters set forth herein, and if
3 called upon to do so, I would and could so testify. I submit
4 this declaration in support of Plaintiff's motion.

5 3. The plaintiff Lennis Roberson often discussed how
6 abusive and oppressive C-status was and how it (C-Status for
7 religious reasons) restricted him to; One-fourth maximum
8 canteen draw, access to Telephone calls on emergency basis
9 only, Yard access limited, No access to any other recreational
10 or entertainment activities, No accrual of excused time off,
11 and No personal property packages.

12 4. Plaintiff would say to me he believed being housed in
13 the AD-Seg unit was unfair and an overly oppressive hardship
14 created and designed to crush his faith in his religion and to
15 isolate him emotionally and physically from his family and
16 friends, as well as mainline prisoners.

17 5. Plaintiff discussed with me how he believed CDCR's staff
18 was denying him access to mainline dining facilities and yard
19 was effectively isolating him from the general population
20 for his religious beliefs and principles.

21 6. Plaintiff often expressed a need to speak with his
22 teenage son and his sick and elderly mother over the phone,
23 but C-Status denied that privilege to him.

24 7. Plaintiff believes his relationship with his teenage
25 son was irreparably harmed by plaintiff being restricted from
26 phones -- emergency only telephone access, because of Grooming
27 Standard related C-Status, for religious reasons.
28

1 8. I personally observed how C-status rendered plaintiff
2 unable to telephone his sick and elderly mother and other
3 friends and family. Plaintiff's mother was placed in what was
4 described to me as a nursing home shortly before plaintiff's
5 removal from C-status. Plaintiff's mother remained in a
6 nursing home until she died -- March 21, 2007.

7 9. Plaintiff said to me and anyone that would listen
8 that, CDC's [CDCR] staff thinks they are more powerful than
9 God. And, he believed they were attempting to pressure/coerce
10 him into changing his belief by exposing him to progressive
11 disciplinary measures.

12 10. Plaintiff told me that he believes his adherence to
13 his religious beliefs/philosophy was the reason he was denied
14 retroactive time credits.

15 11. I Omar S. Brown was also on C-status for religious
16 reasons and was granted retroactive time credits that were
17 denied to the plaintiff Lennis Roberson.

18 12. I Omar S. Brown have attached a CDC-602 grievance form
19 and its attachments as Exhibit A. to show declarant was granted
20 retroactive time credits which were denied to plaintiff Lennis
21 Roberson.

22 I Omar S. Brown declare under penalty of perjury that the
23 foregoing is true and correct. Executed at CTF-Central,
24 Soledad, California, on July 14, 2007.

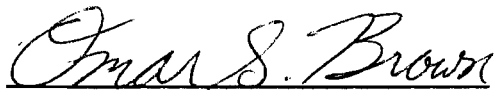
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26 
27 Omar S. Brown
28 CDC No. D-82332

EXHIBIT "A"

STATE OF CALIFORNIA

EMERGENCY APPEAL

APR 6 2006

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location Institution/Parole Region

Log No.

Category

2ND LEVEL

1 CTF

06-00667

2 27

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME <u>Omar Shariff Brown</u>	NUMBER <u>D-82332</u>	ASSIGNMENT <u>UNAS</u>	UNIT/ROOM NUMBER <u>CW-209</u>
-----------------------------------	--------------------------	---------------------------	-----------------------------------

A. Describe Problem THIS GRIEVANCE IS SUBMITTED AS A EMERGENCY APPEAL PURSUANT TO TITLE 15, CCR-§ 3084.7.(a).(1).., due to petitioner suffering Irreparable Harm through Spiritual, Psychological/Emotional, and Physical deprivation by said departmental staff's-(i.e.: A.P. Kane, ~~I.C. Kane~~, J.M. Wiggins, W.B. Childress, Jeanne Woodford) religious persecution. The State Attorney General's document attached hereto from Bill Lockyer, which was submitted from the State of California's Department of Justice, and verified by Deputy Attorney General, Mr. Brian G. Walsh, that clearly & unambiguously establishes that CDC's present Inmate Grooming Standard CCR, §3062.(e).(h).., is illegal as stated - - -

If you need more space, attach one additional sheet.

(See: Supplemental Sheet & Exhibit)

B. Action Requested That petitioner be retroactively given back his A1A Status, that petitioner be properly reimbursed \$ 4320.00 dollars for illicitly loss wages / compensatory damages, that petitioner be compensated \$ 365,000.00 dollars for being maliciously & cruelly incarcerated and isolated in CTF's Administrative Segregation for (one) year under religious persecution / per Punitive Damages.

Inmate/Parolee Signature

Omar S. Brown

Date Submitted

02/01/06

C. INFORMAL LEVEL (Date Received)

2-21-06

Staff Response:

Partially granted. A1A restored 2-21-06 effective 9-25-06RECEIVED
INMATE APPEALS
BRANCH
APR 25 2006

Staff Signature:

Verdadero, CCF

Date Returned to Inmate:

2-21-06

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Petitioner's lawful claims for loss wages reimbursement of \$4320.00 dollars pursuant to compensatory damages, and \$365,000.00 dollar punitive damages claim for malicious acts & blatant negligence by CTF administration and custody staff were not addressed nor resolved by the Informal level's response

Signature:

RECEIVED

Omar S. Brown

Date Submitted:

03/01/06

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim

FEB 2 - 2006

MAR 2 2006

03-00667

CTF APPEALS

CTF APPEALS

1 by the California Department of Corrections/Rehabilitations and said State's Execu-
 2 tive Chief Legal Counsel, Attorney Gen.-Bill Lockyer-[Re: Exhibit A], to be a blata-
 3 nt violation of Federal Statutory Legislation § 42 U.S.C. 2000cc-1,2., better known
 4 as RLUIPA-" Religious Land Use and Institutionalized Persons Act., which is/was af-
 5 firmed and granted by the UNITED STATE'S SUPREME COURT decision, CUTTER v. WILKINSON
 6 125 S.Ct. 2119, and 2128-2129 paragraph II, as finalized on May 31, 2005, which was
 7 reaffirmed/supported by the Ninth(9th) Circuit ruling in WARSOLDIER v. WOODFORD 418
 8 F.3d 989, on August 1st, 2005.

9 It must be substantially noted that U.S. Supreme Court rulings have the enforcement
 10 and power of Mandatory Law, and shall be implemented/enforced by all State & FEDERAL
 11 employees, pursuant to the U.S. Constitution Article III-§1. Therefore, every compe-
 12 tent state official & officer whom willfully acts in a insubordinate manner through
 13 defiance of said RLUIPA legislation or Departmental Regulations concerning CCR.Title
 14 15.Div 3-§3044 C-Status, and §3062 Inmate Grooming Standards, is guilty of perpetr-
 15 ing a deliberately negligent and blatantly malicious arbitrary criminal act . To
 16 Supercede the previously said Federal Legislation & Court Decisions stated by this
 17 petitioner in this document, would undeniably mean that such CDC employees have/did
 18 voluntarily relinquish all lawful rights to any type of Qualified Immunity concerning
 19 this matter, and can be Civilly & Criminally pursued/litigated for appropriate recom-
 20 pensation.

21 Furthermore, as provided by petitioner's 'Life Progress Report'-[Re: as Exhibit B.]
 22 said appellant was illicitly & vindictively put on C-Status 6/14/98 after he was
 23 found guilty of only one (1) Administrative 115. This assertion is verified by the
 24 CDC Deputy Director's july 03, 1998 departmental Memorandum to all CDC Wardens, as
 25 was officially noted & recieved by CTF's previous/than Warden, Mrs. Linda J. Clarke,
 26 on July 06, 1998-[Re: to Exhibit C.], and clearly establishes that said institution/
 27 CTF correctional/administrative staff willfully & arbitrarily violated the said De-
 28 partment's Rules & Regulations of CCR sections 3000 and 3062.subsection (n), which

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **JUN 28 2006**

In re: Brown, D-82332
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

IAB Case No.: 0512174

Local Log No.: CTF 06-00667

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. G. Arceo, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that he is entitled to Work Group/Privilege Group (WG/PG) "A-1/A" status retroactive to September 22, 2000. The appellant cited the February 1, 2006, New Departmental Inmate Grooming Standards policy to support his argument. He contends this applies to him for the periods of time he was illegally placed on WG "C" status. He requests to be reimbursed \$4,320.00 for loss wages during that timeframe; receive compensatory damages in the amount of \$365,000.00 for being maliciously placed in the Administrative Segregation Unit for religious persecution and for punitive damages.

II SECOND LEVEL'S DECISION: The reviewer found that on February 21, 2006, the Unit Classification Committee reviewed the appellant's case and granted WG/PG "A-1/A" retroactive beginning September 22, 2000. This is in compliance with current departmental policy.

III DIRECTOR'S LEVEL DECISION: Appeal is granted in part.

A. FINDINGS: The required reviews of the appellant's appeal issue have been conducted. The institution has partially granted the appellant's request. To the Director's Level of Review, the appellant still complains that the dismissed CDC Forms 115, Rules Violation Reports (RVR) for Grooming Standards violations have not been removed from his central file pursuant to departmental policy and the institution does not verify this action has occurred. Therefore, the appellant has established a nexus between his original action and his request regarding removal of the RVRs. For this reason a modification of the decision reached by the institution is required. The appellant's request for monetary compensation is outside of the scope of the appeals process and therefore denied.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section (CCR): 3001, 3043, 3044, 3220, 3270, 3326

C. ORDER: The Correctional Training Facility (CTF) shall in compliance with departmental policy ensure that the dismissed RVRs pertaining to this appeal issue are removed from the appellant's central file. The institution's actions in this matter shall comply with the CCR 3326(a)(2).

This issue was faxed to the Warden's office.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CTF
Appeals Coordinator, CTF

EXHIBIT "A-2"
Declaration of P.D. Shotwell

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07 3497 CRB(PR)
)	
Plaintiff	)	DECLARATION OF P. DEON
	)	SHOTWELL IN SUPPORT OF
v.	)	PLAINTIFF'S OPPOSITION TO
	)	DEFENDANTS' NOTICE AND
Jeanne Woodford, Director et el.	)	MOTION FOR SUMMARY JUDGMENT
)	
<u>Defendant[s]</u>)	

I Prince Deon Shotwell declare:

1. I am a prisoner of California Department of Corrections and Rehabilitation (CDCR). I am housed in the Correctional Training Facility (CTF) at Soledad, California.

2. I Prince Deon Shotwell, have known the Plaintiff Lennis L. Roberson for about thirty (30) years. Lennis L. Roberson and declarant have been cell-mates since early (January) 2006. I have personally knowledge of the events described herein. I am competent to testify to the matters set forth herein, and if called to do so, I would and could so testify. I submit this declaration in support of Plaingiff's motion.

///

1 3. The plaintiff Lennis L. Roberson often discussed with me how
2 abusive and oppressive he believed C-status was and how it (C-Status for
3 religious belief) limited him to; One-fourth maximum canteen draw, access
4 to Telephone calls on emergency basis only, Yard access limited, No access
5 to any other recreational or entertainment activities, No accrual of
6 excused time off, and No personal property packages, which includes
7 appliances such as televisions, CD-players and Typewriters (word
8 processors).

9 4. Plaintiff has expressed to me that he believed being housed in the
10 AD-Seg unit was unjust and oppressive at best. Plaintiff says it was a
11 situation created and designed to crush his faith in his religion and to
12 isolate him emotionally and physically from his family and friends, as well
13 as mainline prisoners.

14 5. Plaintiff has expressed to me that he believes, CDCR's staff denied
15 him access to mainline dining halls and the mainline yard was effectively
16 isolating him from the general population for his religious beliefs and
17 principles were a form of psychological torture administered as punishment.

18 6. Plaintiff has expressed to me his need to speak with his teenage
19 son who he has not spoken with in several years, due to Grooming Standard
20 related C-Status. His sons mother died February 18, 2006 which caused
21 him to lose all contact with his son -- including his whereabouts.

22 7. Plaintiff was also trying to deal with situations concerning his
23 sick and elderly mother without the use of a phone, because C-Status
24 precluded that privilege to him.

25 ///

26 ///

27 ///

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1 8. Plaintiff is adamant about his belief that his relationship with
2 his son was damaged because plaintiff was restricted from phones --
3 emergency only telephone access, because of Grooming Standard related
4 C-Status, for religious belief.

5 9. I personally observed how C-status rendered plaintiff unable to
6 telephone his son, sick and elderly mother and other friends and family.
7 Plaintiff's mother was placed in a nursing home shortly before plaintiff's
8 removal from C-status. Plaintiff's mother remained in a rest home until
9 she died March 21, 2007.

10 10. On March 22, 2007 I personally observed that plaintiff was visibly
11 shaken upon hearing of the death of his mother.

12 11. Plaintiff's mother was placed in the rest home prior to him being
13 removed from C-Status, and his sons mother died three days after his
14 removal from C-Status. Plaintiff expressed to me that he believes that his
15 lost of contact with his family was directly connected to phone and other
16 restrictions placed on plaintiff while on C-Status for religious reasons.

17 12. On several occasions I have heard plaintiff say, CDC (CDCR) thinks
18 it is more powerful than God. And, plaintiff has additionally expressed to
19 me that he believes they (CDCR) were attempting to coerce him into
20 denouncing or modifying his belief by accessing progressive disciplinary
21 measures against him.

22 13. Plaintiff said to me that he believes his religious
23 beliefs/philosophy was the reason he was denied retroactive time credits.
24 Plaintiff is Muslim.

25 14. I Prince Deon Shotwell, am of a different religious than the
26 plaintiff. I was on C-status for religious reasons and was granted
27 retroactive time credits that were denied to the plaintiff Lennis L.

28 ///

1 Roberson.

2 15. I Prince Deon Shotwell, have attached a 12/11/06 Modification
3 Order and a 12/12/06 CDC 128-G to this declaration as pages 1 and 2 of
4 Exhibit A to show declarant was granted retroactive credits for religion
5 related Grooming Standard violations and C-status -- which plaintiff
6 Lennis L. Roberson was denied.

7 I Prince Deon Shotwell declare under penalty of perjury that the
8 foregoing is true and correct. Executed at CTF-Central, Soledad,
9 California, on July 16, 2007.

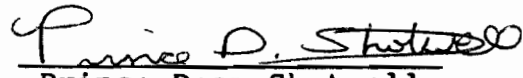
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12 Prince Deon Shotwell
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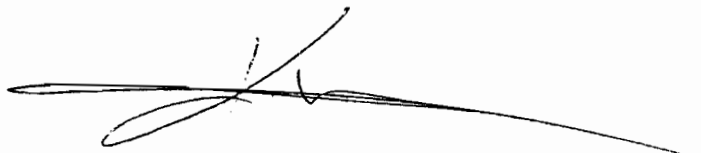
EXHIBIT "A"

NUMBER: H05927 NAME: SHOTWELL HOUSING: CW-128U CDC-128-G (Rev. 4/74)

Summary: **SPECIAL** PER MOD ORDER DATED 11-14-06 LOG# CTF-C-06-00593. CHANGE
REVIEW: WG/PG A2B TO A1A EFF: 9-22-00.

Custody: MED A	Release: ME PD 7-23-02	Level: II
	SUB #1 12-06	
GPL/READ: HSD	Reclass: 9-1-07	CS: 19
Work	Privilege	
Group: A1	Group: A Eff: 9-22-00	RPS: LIFER

COMMENTS: SHOTWELL appeared before Unit III U.C.C. today for a Special Review.
COMMITTEE ACTIONS: PER MOD ORDER DATED 11-14-06 LOG# CTF-C-06-00593. CHANGE WG/PG A2B TO A1A EFF: 9-22-00. Per Modification Order, Inmate SHOTWELL, H05927, WG/PG A1A status is to be retroactive to 9-22-00, according to Memorandum dated 2-27-06, Emergency Regulations Inmate Grooming Standards. Appeal #COR-02-0992 verifies Religious beliefs. Inmate SHOTWELL participated in today's U.C.C. and acknowledged his understanding of the Committee's actions. He stated that he agreed with the Committee's actions. SHOTWELL was advised of his right to appeal Committee actions.

CHAIRPERSON: I. Guerra FC

Recorder: K. Heinly CCI

Panel: I. Guerra FC: B. Villalobos CCI : K. Heinly CCI /kh

Dist.: C-File
 Inmate

DATE: 12-8-06

Classification: SPECIAL REVIEW

Inst: CTF-C

Correctional Training Facility
Inmate Appeals Office

DEC 11 2006

MODIFICATION ORDER

November 14, 2006

AW-C

DUE DATE: 12/14/2006

RE:SHOTWELL, H05927, CFCWT1000000128U
CTF-C-06-00593
CUSTODY/CLASS.

I. Guerra, FC Unit IIIDue Date: 12/11/06

SCHEDULE APPELLANT FOR UCC

Please be informed that as a result of a Level II Decision, the above referenced appeal has been **DENIED**. Please complete this modification order to comply with the decision.

Your area shall change Prince Shotwell's WG/PG A1A status to be retroactive to September 22, 2000, according to Memorandum dated 2/27/06, Emergency Regulations Inmate Grooming Standards. Appeal #COR-02-0992 verifies Religious beliefs.



W. Cohen, Chief Deputy Warden (A) – North/South
P. Barker, Chief Deputy Warden – Central

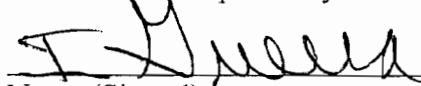
11-14-06
Date

The modification was completed in the following manner:

ON 12-8-06, the inmate was seen by the Unit III Classification Committee for a Special Review. At that time, Committee elected to change his WG/PG to A1A effective 9-22-00.

(You must attach a copy of any documents proving compliance, such as CDC Form 128-G, Classification Chrono; CDC Form 128-C, Medical Chrono; CDC Form 115, Rules Violation Report, etc.)

Certified as completed by:



Name (Signed)

FC

Title

12-8-06

Location

I Guerra

Name(Printed)

FC

12-8-06

Date

RECEIVED

NOV 15 2006

AW-CEN CTF

EXHIBIT "A-3"
Declaration of A. Alto

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07 3497 CRB(PR)
)	
Plaintiff	)	DECLARATION OF ANTHONY
	)	ALTO IN SUPPORT OF
v.	)	PLAINTIFF'S OPPOSITION TO
	)	DEFENDANTS' NOTICE AND
Jeanne Woodford, Director et el.)	)	MOTION FOR SUMMARY JUDGMENT
)	
<u>Defendant[s]</u>)	

Anthony Alto declare:

1. I am a prisoner of California Department of Corrections and Rehabilitation (CDCR). I am housed in the Correctional Training Facility (CTF) at Soledad, California.

2. I Anthony Alto, have known the Plaintiff Lennis L. Roberson for approximately twenty (20) years. Lennis L. Roberson was housed in X-wing 236 of the AD-Seg Unit, and I (Anthony Alto) was housed in X-wing 235 of the AD-Seg Unit -- next door to the plaintiff for approximately one (1) year. I am competent to testify to the matters set forth herein, and if called upon to do so, I would and could so testify. I submit this declaration in support of Plaintiff's motion.

1 3. The plaintiff Lennis L. Roberson has often discussed with me how
2 abusive and oppressive he believed C-status was and how C-Status for
3 religious beliefs limited him to;

4 A. One-fourth maximum canteen draw,

5 B. access to Telephone calls on emergency basis only,

6 C. Yard access limited,

7 D. No access to any other recreational or entertainment activities,

8 E. No accrual of excused time off, and No personal property packages,

9 which includes appliances such as televisions, CD-players and

10 Typewriters (word processors).

11 4. Plaintiff personally expressed to me that he believed being housed
12 in AD-Seg was unjust and oppressive. Plaintiff has personally stated to
13 me that he believes the progressive disciplinary situation related to
14 grooming standard violations for religious reasons was created and designed
15 to crush not only his faith in religion, but all religious faith, and to
16 isolate him emotionally, spiritually, and physically from his family and
17 friends, as well as mainline prisoners and other advocates of his faith
18 for exercising his religious beliefs.

19 5. Plaintiff personally expressed to me that he believes, California
20 Department of Corrections and Rehabilitation (CDCR) staff denied him access
21 to mainline dinning halls and the mainline yard was effectively isolating
22 him from the general population for adhering to his religious beliefs
23 and principles were a form of psychological torture administered as
24 punishment.

25 6. I personally observed plaintiff being restricted to ten (10) hours
26 of yard a week on the X-wing AD-Seg yard.
27
28

1 7. I never saw or heard plaintiff pass my cell going to the mainline
2 yard or dining halls. To the best of my knowledge the plaintiff ate in
3 his cell like the rest of us housed in X-wing.

4 8. Plaintiff personally expressed to me he was having some
5 difficulties with his son, and needed to speak with his teenage son who he
6 has not spoken with in several years, due to Grooming Standard related
7 C-Status. His sons mother died February 18, 2006 which caused plaintiff to
8 lose all contact with his son -- even as to where he was living at.

9 9. Plaintiff personally told me he was trying to deal with situations
10 concerning his sick and elderly mother without the use of a phone, because
11 C-Status precluded that privilege to him.

12 10. Plaintiff sincerely believes that his relationship with his son is
13 damaged if not destroyed, because plaintiff was restricted from phone
14 access, because of Grooming Standard related C-Status, for religious
15 reason.

16 11. I personally observed how C-status rendered plaintiff unable
17 to telephone his son, sick and elderly mother and other friends and family.
18 Plaintiff's mother was placed in a nursing home shortly before plaintiff's
19 removal from C-status. Plaintiff's mother remained in a rest home until
20 she died March 21, 2007.

21 12. Plaintiff's mother was placed in a rest home prior to plaintiff's
22 removed from C-Status, and plaintiff's son's mother died three days after
23 plaintiff's removal from C-Status. Plaintiff personally told me -- he
24 believes that his lost of contact with his family was directly connected to
25 phone and other restrictions placed on plaintiff while on C-Status for
26 religious reasons.

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EXHIBIT "A"

EXHIBIT "A"

NUMBER: D60165 NAME: ALTO HOUSING: CW 120U CDC-128-G (Rev. 4/74)

Summary: SPECIAL REVIEW: RESTORE 30 DAYS LOC DIV. 'F' DTD. 5-10-99 LOG #F3-99-091 "FAILURE TO COMPLY W/ GROOMING STANDARDS" REMOVE RVR DTD. 2-5-99, 3-11-99 & 5-10-99 (GROOMING STANDARDS) PER RLUIPA.

Custody: MED A Release: MEPD 5-13-10 Level: II
 GPL/READ: 9.6/12.0 Reclass: 7-1-07 CS: 19
 Work Privilege
 Group: A1 Group: A EFF: 9-22-00 RPS: LIFER

COMMENTS: Per subject's request, Alto Central File was reviewed, in absentia, by Unit III U.C.C. today for a Special Review. **COMMITTEE ACTIONS:** Restore 30 days loss of credit Div. 'F' dated 5-10-99 Log #F3-99-091 "Failure To Comply With Inmate Grooming Standards". Remove RVR's dated 2-5-99, 3-11-99 and 5-10-99 per Religious Land Use and Institutional Persons Act (RLUIPA). The inmate is advised that credits shall not be restored in an amount rendering him overdue for release. If PC 3058.6 and/or PC 3058.8 apply, there will be no change within 45 days of release per AB 2294. Inmate Alto did not participate in today's U.C.C. for the following reason(s): Committee's action is non-adverse and the action was taken per subject's request. No further casework needs were required at this time. Alto was in prior agreement with today's committee and was informed of his appeal rights.

CHAIRPERSON: D. Carnazzo, FC(A) *FC(A)*
 Panel: D. Carnazzo, FC(A) : L. Vucina, CCI : T. Verdesoto /tv *De.* Recorder: T. Verdesoto, CCI *Verdesoto*

Dist.: C-File
 Inmate

DATE: 8-15-06 Classification: SPECIAL REVIEW Inst: CTF-C

EXHIBIT "A-4"

Declaration of H. Little

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07 3497 CRB(PR)
)	
Plaintiff	)	DECLARATION OF HARRY
	)	LITTLE IN SUPPORT OF
v.	)	PLAINTIFF'S OPPOSITION TO
	)	DEFENDANTS' NOTICE AND
Jeanne Woodford, Director et al.)	)	MOTION FOR SUMMARY JUDGMENT
)	
Defendant[s])	

Harry Little declare:

1. I am a prisoner of California Department of Corrections and Rehabilitation (CDCR). I am housed at the Correctional Training Facility (CTF) at Soledad, California.

2. I Harry Little, have known the Plaintiff Lennis L. Roberson for over ten (10) years. The plaintiff and I (the declarant Harry Little) were cell-mates housed in D-wing 317 of CTF Central. I am competent to testify to the matters set forth herein, and if called upon to do so, I would and could so testify. I submit this declaration in support of

1 Plaintiff's motion.

2 3. The plaintiff Lennis L. Roberson and the declarant
3 would often discuss a variety of topics which included politics
4 and religion. The plaintiff explained to me how abusive and
5 oppressive he believed C-status was.

6 4. I the declarant Harry Little personally saw that
7 C-Status severely limited his access to thing that most
8 prisoners take foregranted;

9 a. I personally observed that plaintiff could only recieve
10 One-fourth the maximum canteen draw.

11 b. While on C-status I never personally observed or heard
12 anyone say they observed plaintiff using the
13 Telephones.

14 c. I personally observed that plaintiff's Yard access was
15 restricted to weekdays 13:00 hours to 15:00 hours
16 and no weekends or holidays.

17 d. I personally observed that plaintiff had no access to
18 any recreational or entertainment activities while on
19 C-status.

20 e. I personally observed while on C-status plaintiff
21 never received personal property packages,
22 which includes but not limited to appliances such as
23 televisions, CD-players and Typewriters (word
24 processors) etc.

25 4. On many occasions plaintiff personally expressed that
26 he believed his being housed in AD-Seg was unjust and
27 oppressive. Plaintiff has stated to me that he believes the
28

1 progressive disciplinary measures related to grooming standard
2 violations for religious reasons were created and designed to
3 destroy his faith in religion, and to isolate him emotionally,
4 spiritually, and physically from his family and friends, as
5 well as mainline prisoners and other advocates of his religious
6 faith -- for exercising his religious beliefs.

7 5. Plaintiff constantly said to me personally, and
8 generally that the Department of Corrections (CDC) staff
9 thought they were more powerful than God.

10 6. On or about December 21, 2005 I personally observe
11 Correctional Officer (C/O) J. Childers at the open door of cell
12 door of 317 of D-wing.

13 7. On or about December 21 2005 while C/O J. Childers was
14 at the opened door of cell 317 D-wing I personally heard and
15 observed C/O J. Childers tell plaintiff in what I believe to be
16 an unnecessarily aggressive manner and tone that, he had to
17 move from D-wing 317 to an upper bunk in C-wing 133 because
18 plaintiff was on C-status.

19 8. In response to C/O J. Childers I personally heard the
20 plaintiff calmly and respectfully present a document (128-C
21 medical chronology) from the medical department stating he
22 should be housed in a lower bunk.

23 9. C/O J. Childers left and returned a short time later
24 with the Unit III Correctional Sergeant B.R. Peoples. As
25 plaintiff was explaining plaintiff's position to the sergeant
26 B.R. Peoples, I personally heard and observed C/O J. Childers
27 interrupt plaintiff in mid-sentence and say it doesn't matter
28

1 all C-status inmates have to be moved to C-wing. And, then C/O
2 J. Childers went on to state in an aggressive and agitated
3 way, "either you are going to move on your own or we will
4 move you."

5 10. I personally observed and assisted plaintiff move to
6 C-wing 133 upper later that day.

7 11. I Harry Little the decalrant was housed in D-wing 317
8 with the plaintiff and at that time I did not have any
9 documentation recommending that I oe housed on a lower bunk.

10 12. I Harry Little have affixed hereto a "Comprehensive
11 Accommodation Chrono" (CDC-7410) attached hereto and marked as
12 Exhibit A that shows, I the declarant in this declaration
13 received documentation which recommended that I be housed in a
14 lower bunk.

15 13. Declarant did not have or receive documentation to
16 receive a lower bunk until (November 30, 2006) approximately a
17 year after plaintiff had been moved to C-wing 133 upper.

18 I Harry Little declare under penalty of perjury that the
19 foregoing is true and correct. Executed at CTF-Central,
20 Soledad, California, on August 12, 2007.

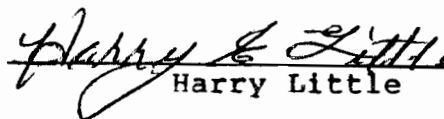
21
22 
23 Harry Little
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EXHIBIT "A"

EXHIBIT "A"

COMPREHENSIVE ACCOMMODATION CHRONO

INSTRUCTIONS: A physician shall complete this form if an inmate requires an accommodation due to a medical condition. Circle P if the accommodation is to be permanent, or T if the accommodation is to be temporary. If the accommodation is temporary, write the date the accommodation expires on the line. A new form shall be generated when a change to an accommodation is required or upon renewal of a temporary accommodation. Any new form generated shall include previous accommodations, if they still apply. Chronos indicating permanent accommodations shall be reviewed annually. This form shall be honored as a permanent chrono at all institutions.

A. HOUSING

None _____ 4. Bottom Bunk _____ P/T _____
1. Barrier Free/Wheelchair Access P/T _____ 5. Single Cell (See 128-C date: _____) P/T _____
2. Ground Floor Cell P/T _____ 6. Permanent OHU / CTC (circle one) P/T _____
3. Continuous Powered Generator P/T _____ 7. Other _____ P/T _____

B. MEDICAL EQUIPMENT/SUPPLIES

None _____ 16. Wheelchair: (type) _____ P/T _____
8. Limb Prosthesis P/T _____ 17. Contact Lens(es) & Supplies P/T _____
9. Brace P/T _____ 18. Hearing Aid P/T _____
10. Crutches P/T _____ 19. Special Garment: _____ P/T _____
11. Cane: (type) _____ (specify) _____ P/T _____
12. Walker P/T _____ 20. Rx. Glasses: _____ P/T _____
13. Dressing/Catheter/Colostomy Supplies P/T _____ 21. Cotton Bedding P/T _____
14. Shoe: (specify) _____ P/T _____ 22. Extra Mattress P/T _____
15. Dialysis Peritoneal P/T _____ 23. Other _____ P/T _____

C. OTHER

None _____ 26. Therapeutic Diet: (specify) _____ P/T _____
24. Attendant to assist with meal access P/T _____ and other movement inside the institution. _____
Attendant will not feed or lift the inmate/patient or perform elements of personal hygiene. _____ 27. Communication Assistance P/T _____
25. Wheelchair Accessible Table P/T _____ 28. Transport Vehicle with Lift P/T _____
29. Short Beard P/T _____
30. Other _____ P/T _____

D. PHYSICAL LIMITATIONS TO JOB ASSIGNMENTS

Based on the above, are there any physical limitations to job assignments? ☐ Yes ☐ No

If yes, specify: _____

INSTITUTION CTC	COMPLETED BY (PRINT NAME) C. SINNA	TITLE M.D.
SIGNATURE [Signature]	DATE 11/30/06	CDC NUMBER, NAME (LAST, FIRST, MI) AND DATE OF BIRTH P14390 LITTLE
HCM/CMO SIGNATURE [Signature]	DATE 11-30-06	
APPROVED (list the number of items approved)		
DENIED (list the number of items denied)		

COMPREHENSIVE ACCOMMODATION CHRONO

D 317

Distribution:

Original - Unit Health Record

Canary - Central File

Pink - Correctional Counselor

Gold - Inmate

EXHIBIT "A-5"
Declaration of R. Laudermill

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lennis L. Roberson	)	Case No. C 07 3497 CRB(PR)
)	
Plaintiff	)	DECLARATION OF REGINALD
	)	LAUDERMILL IN SUPPORT OF
v.	)	PLAINTIFF'S OPPOSITION TO
	)	DEFENDANTS' NOTICE AND
Jeanne Woodford, Director et el.	)	MOTION FOR SUMMARY JUDGMENT
)	
<u>Defendant[s]</u>)	

Reginald Laudermill declare:

1. I am currently in the custody of the California Department of Corrections and Rehabilitation (CDCR). I am a Muslim inmate currently housed at the Correctional Training Facility (CTF) at Soledad, California.
2. I am in good standing with the general Muslim community, as well as the Muslim American community under the leadership of W.D. Mohammad. I have been a Muslim for approximately six (6) years. I am competent to testify and have personal knowledge as to the matters set forth in this declaration and if called upon to do so, I would and could so testify.

1 3. I have a formal study of the Islamic religion. IT is my sincere
2 belief to obey ALLAH (GOD), The Holy Qur'an and Prophet Muhammad's (S.A.W.)
3 Sunnah of 1427 years ago. I am the petitioner in the order of the Superior
4 court of California County of Monterey (attached hereto as Exhibit A).
5 And, will testify to the facts that the exhibit attached (A thru F) are
6 authentic. And, from 2000 to 2004 Muslim inmates and myself were deprived
7 of all religious artifacts including, but not limited to, prayer oils,
8 prayer rugs, and kuffi caps.

9 4. I declare under the penalty of perjury that the foregoing is true
10 and correct. Executed at Soledad, California.

11
12 Date: 9-20-07


Reginald Lauderhill (H-24103)

EXHIBIT "A"

FILED

DEC - 8 2003

SHERRI L. PEDERSEN
CLERK OF THE SUPERIOR COURT
MARSHA BOYER DEPUTY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

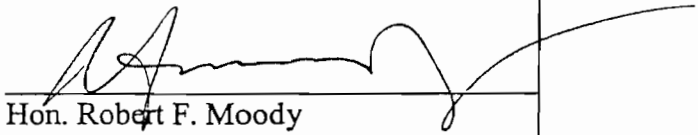
In re) Case No.: HC 4656
Reginald Lauderhill (H 24103)) ORDER
On Habeas Corpus.)

Petitioner complains the Correctional Training Facility (CTF) officials at Soledad have denied him specific religious materials pertaining to the Islamic religion. He contends prison officials are violating the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §2000cc-1(a), the Free Exercise Clause of the First Amendment, and the Equal Protections Clause of the Fourteenth Amendment. In specific, Petitioner is denied the ability to acquire from an approved vendor prayer oils as allowed under CTF Operational Procedure #42.

The Court has reviewed all exhibits, responses, and Petitioner's traverse. Although the traverse may allege new, additional facts, attempts to introduce additional claims or wholly different factual bases for those claims do not expand the scope of the proceeding. *People v. Duvall* (1995) 9 Cal. 4th 464, 478. In the traverse before this Court, Petitioner raised facts to the related claim of being unable to obtain materials cited Operational Procedure #42. Petitioner, a member of the Islamic faith, requests all of the materials on Operational Procedure #42 from an approved vendor. Respondents explicitly state by January 4, 2004, all materials will be provided to those situated like Petitioner. The Court, under California Rules of Court 4.551(h), extends time to rule on the Petition. The Court directs Respondents through the Attorney General's Office to provide a supplemental informal response which addresses the full compliance with all

1 of the materials on Operational Procedure #42 by January 8, 2004. Thereafter, Petitioner may
2 file a reply within 15 days of receipt of the supplemental response.

3
4 Dated: November 25, 2003

5 
6 Hon. Robert F. Moody

CERTIFICATE OF MAILING

C.C.P. SEC. 1013a

I do hereby certify that I am not a party to the within stated cause and that on

DEC - 8 2003

I deposited true and correct copies of the following document:

ORDER in sealed envelopes with postage thereon fully prepaid, in the mail at Salinas, California, directed to each of the following named persons at their respective addresses as hereinafter set forth:

Bill Lockyear
California Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004
Attn: Correctional Law Section

Reginald Laufermill
H 24103
Correctional Training Facility
P.O. Box 689
Soledad, CA 93960-0689

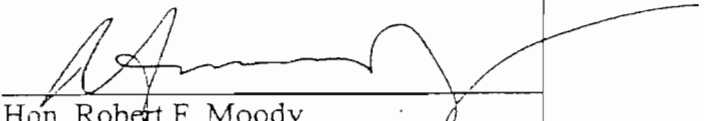
Dated: DEC - 8 2003

SHERRI L. PEDERSEN,
Clerk of the Court

By: 
Deputy MARSHA BOYER

of the materials on Operational Procedure #42 by January 8, 2004. Thereafter, Petitioner may
file a reply within 15 days of receipt of the supplemental response.

Dated: November 25, 2003


Hon. Robert F. Moody